**Unlocking legal and policy frameworks for Small-Scale Fisheries**

**Background**: In June 2014, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) endorsed the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries ([SSF Guidelines](http://www.fao.org/voluntary-guidelines-small-scale-fisheries/en/)). While there has been a lot of work focusing on the implementation of this instrument, it remains unclear how the existing national legal and policy frameworks can support the respective countries in meeting these international requirements and standards. In light of this need, the project ‘Unlocking national legal and policy frameworks’ aims to improve our understanding about how the relevant instruments can be interpreted and applied in support of the SSF Guidelines implementation.

**Instruction**: Please provide answer to the following questions in the template as best as you could and when possible indicate the information of the legal and/or policy instruments to support your answer. Please return the completed questionnaire to us by e-mail: [tbti.global@gmail.com](mailto:tbti.global@gmail.com).

Responses received by **October 15st** will be included in a TBTI e-book on the topic, to be released in November 2020, with your name(s) as the author(s) of the contribution.

**Unlocking legal and policy frameworks for Small-Scale Fisheries (SSF)**

**Template**

**Case study country**:

**Name and affiliation of contributors**:

(1) Name: Affiliation:

(2) Name: Affiliation:

(3) Name: Affiliation:

(4) Name: Affiliation:

(5) Name: Affiliation:

**Part I** **Definition of SSF or related terms** (e.g. artisanal, subsistence, semi-industrial, customary, coastal, traditional, indigenous, aboriginal, and tribal). Note that SSF refers mostly to the ‘harvesting/fishing’ activities. Feel free to indicate in Part VI, however, if there are specific definitions related to SSF in post-harvest.

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| Question | Answer | Additional information |
| 1. Are SSF or related terms “legally” defined in the Constitution, Law, or Act? | **□** Yes  **□** No (see next question)  If yes, copy and paste the exact text(s) where SSF or related terms is mentioned: | Please indicate the exact provision(s) of the Constitution/Law/Act that supports your answer, and provide URL. |
| 1. Is SSF (or related terms) captured/defined in other legal and policy documents? Check all that apply. | **□** Primary fisheries legislation  **□** Regulation, Decree, Ordinance  **□** National fisheries policy  **□** No  If yes to any of the above, copy and paste the text(s) used to refer to SSF: | Please indicate the document that supports your answer: |
| 1. Is there any other “informal” way that SSF (or related terms) are referred to? | **□** Yes  **□** No  If yes, indicate how: | Please indicate the document that supports your answer: |

**Part II** **Legal framework and institutional arrangement**

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| Question | Answer | Additional information |
| 1. What is the legal system in the country? | **□** Common Law  **□** Civil Law  **□** Customary Law  **□** Mixed law systems (specify): | Please indicate any source (literature, policy, electronic website) where more detailed information can be found. |
| 1. What is the main “fisheries legislation” in the country (e.g. Act, Law, Statute)? | 1. Full title of legislation: 2. Year: 3. Amendments: | Please indicate any source (literature, policy, electronic website) where more detailed information can be found. |
| 1. What is the main “national policy” for fisheries? | 1. Full title of policy: 2. Year (adoption): 3. Period of coverage (if specified): | Please indicate any source (literature, policy, electronic website) where more detailed information can be found. |
| 1. Which “national” governmental authority (e.g. Ministry, Agency, Secretary or any other institutional body) is primarily in charge of fisheries? | Full name of the authority: | Please indicate any source (literature, policy, electronic website) where more detailed information can be found. |
| 1. What is the mandate of this national governmental authority?   Note - mandate can be related to:  (a) Objectives (seeks to)  (b) Powers (ability to)  (c) Responsibilities (duty to) | **□** Defined in legislation, as follows:  **□** Defined in fisheries policy, as follows:  **□** No clear mandate | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer.  Please indicate the exact part(s) or page of the policy that supports your answer. |
| 1. Is there a national and/or sub-national governmental authority specifically in charge of SSF? | **□** Yes, indicate name and level of each authority (state, provincial, sub-regional, city, municipal, local):  **□** No | Please indicate any source (literature, policy, electronic website) where more detailed information can be found. |

**Part III** **Key principles in the legislation and policy documents**

*Question*: Are the following principles mentioned/specified in the fisheries legislation and/or fisheries policy? Make sure to provide answer to both columns and give details in the additional info/sources column, when appropriate.

If the answer is no, please indicate whether they are mentioned in other legislation and policies that are not specific to fisheries. Specify what they are in the additional info/sources column.

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| Principles | Legislation | Policy | Additional info/sources |
| Human rights & dignity | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Respect of cultures | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Non-discrimination | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Gender equality & equity | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Equity & equality | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Consultation & participation | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Rule of law | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Transparency | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Accountability | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Economic, social & environmental sustainability | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Ecosystem approach to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Social responsibility | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries | **□** Yes **□** No **□** Not clear  **□** Include in other documents, not specific to fisheries |  |
| Other principles relevant to SSF | **□** Yes, indicate | **□** Yes, indicate |  |

**Part IV** **Specific provision and consideration for SSF**

*Question*: Is there any legal and/or policy instrument related to the following topics, specifically for SSF? Note that this is not only about harvesting/fishing but also post-harvest activities. Indicate the “name” of the document where the provision can be found and provide details as appropriate. Include provision that is ‘relevant’ to SSF, even if it is not specific.

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| Question | Legal/policy instruments | Additional information |
| 1. Tenure and related rights for SSF (to fisheries resources and to land). Include, when appropriate, customary rights and Indigenous rights. | Name:  Year:  Specify how tenure is defined for SSF and/or what rights they have.  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Exclusive fishing area or priority access to fishery resources for SSF | Name:  Year:  Specify whether it is inland, coastal, marine  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Registration requirements for SSF | Name:  Year:  Specify type (general, vessel, gear, “professional” fishers) and whether there is any exemption (e.g. for subsistence SSF, fee exemption, etc.)  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Social development, employment and decent work for SSF along the value chain | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Labour rights or social benefits for SSF along the value chain (e.g. financial support during closed season, social security, access to health care, unemployment benefit, old age pension, etc.) | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Capacity building program for SSF (e.g. provision of and access to education, training) | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Recognition of SSF as professional workers, along the value chain | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Legal protection of women in SSF, along the value chain | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Special treatment to women in SSF (e.g. capacity building program for women’s organization) | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies | Name:  Year:  **□** No specific provision for SSF  **□** Topic generally not considered  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |

**Part V** **Interaction and stakeholders participation**

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| Question | Answer | Additional information |
| 1. Is there any mechanism (e.g. regular meetings, information sharing, reporting) to facilitate communication and interaction **among** governmental departments, agencies and authorities? | **□** Yes  **□** No  **□** Not clear  Explain/example: | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Is there any mechanism (e.g. regular meetings, information sharing, reporting) to facilitate communication and interaction **between** governmental departments, agencies and authorities **and** fishers’ organizations and groups | **□** Yes  **□** No  **□** Not clear  Explain/example: |  |
| 1. Is representation of SSF in decision-making and/or resource management legally required, at any level of governance? | **□** Yes, name the provision, and indicate the level of representation (e.g. national, provincial, local)  **□** No  **□** Not clear | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Is there a co-management or decentralised fisheries management scheme (e.g. co-management, community-based management), or any other forms of fishers’ participation in management? | **□** Yes  **□** No  **□** Not clear  Explain/example: | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |
| 1. Is there any interest or commitment for a more holistic form of governance or reform? | **□** Yes  **□** No  **□** Not clear  Explain/example: | Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL. |

**Part VI** **Other context or specific information about SSF in the country**

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**Part VII About the team**

Collective experience in SSF and familiarity with legal and policy frameworks):

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**Corresponding contributor**:

Name:

E-mail: